

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

Plaintiff

v.

JOSEPH D. GIAMPA, FREDERICK T. GIAMPA
ADVANCED SPINE CENTERS, INC. d/b/a
FIRST SPINE REHAB, FUTURE
MANAGEMENT CORPORATION, FUTURE
MANAGEMENT BUSINESS TRUST,
EDWARD KENNEDY, BRIAN J. CULLINEY,
D.C., and JENNIFER McCONNELL, D.C.

Defendants.

Case No. 05-11693 RCL

AFFIDAVIT OF JOSEPH D. GIAMPA

I Joseph D. Giampa do hereby depose as follows under the pains and penalties of perjury:

1. I am a defendant in the above captioned action.
2. I am a Chiropractor duly licensed with the Commonwealth of Massachusetts.
3. I am a Director and Shareholder of Advanced Spine Centers, Inc.
4. I am fully familiar with operation, management and procedures of Advanced Spine Centers, Inc.
5. Advanced Spine Centers, Inc. is a Massachusetts Corporation owned and operated by myself and my brother Frederick T. Giampa.

6. Both my brother Frederick T. Giampa and myself are duly licensed to practice chiropractic medicine in the Commonwealth of Massachusetts.
7. Advanced Spine Centers, Inc. operates chiropractic facilities in various municipalities throughout Massachusetts, including 410 School Street, Lowell, Massachusetts.
8. In the course of my career as a chiropractor I have become familiar with the Massachusetts PIP claims procedures as practiced by the insurance carriers doing business in the Commonwealth of Massachusetts, including the Plaintiff and its predecessor Old Colony Insurance.
9. In my experience it is the customary practice of the Plaintiff and its predecessor Old Colony Insurance to investigate and verify claims submitted by Advanced Spine Centers, Inc. by requesting a multitude of documents including but not limited to Chiropractic Notes as well as patient sign in sheets.
10. Old Colony Insurance Company, the Plaintiff's predecessor, and the entity to which the majority of the claims which are the subject matter of this litigation were submitted, consistently investigated claims and requested documentation from Advanced Spine Centers, Inc. prior to August 16, 2001.
11. I am not, nor have I ever been, aware of the use of "runners" as described in the Plaintiff's Complaint at Advanced Spine Centers, Inc.
12. Every patient treated at Advanced Spine Centers, Inc., 410 School Street, Lowell, Massachusetts is treated by a licensed chiropractor.

13. I am not aware of any patient ever being treated by Edward Kennedy, or any
other non-licensed person at Advanced Spine Centers, Inc..

SIGNED THIS 19th DAY OF AUGUST 2005 UNDER THE PAINS AND
PENALTIES OF PERJURY.



Joseph D. Kiampa